

REMARKS

In response to the Office Action mailed January 17, 2008, Applicants amended claims 1, 5, 6, 9, 14, 15, 17, 19, 20, 22, 24, 25, 27, 29, 33 and 38. Applicants also cancelled claims 2, 10, 11, 32, 35-37, 41, 42 and 46, and added new claims 47-49. Applicants present claims 1, 3, 5-9, 12, 14-31, 33, 34, 38-40, 43-45 and 47-49 for examination.

The Examiner rejected previously presented claims 1-3, 5-12 and 14-46 under 35 U.S.C. §103(a) as being unpatentable over: Saricifti and Kataoka; Saricifti, Kataoka and Lamotte; or Saricifti, Kataoka and Forrest.¹

As amended, claims 1, 3, 5-9, 12, 14-31, 33, 34, 38-40 and 43-45 require a first electrode that photons strike during use, and a different electrode that is opaque and made of a predominantly organic material.

In contrast, Saricifti discloses:

A conducting electrode layer is applied, typically serving as a transparent contact to the heterojunction bilayer. Transparent conducting layers for said contact may be conducting layers made from mixed oxides (such as indium/tin oxide) and conducting polymer layers (such as polyaniline or conducting polyblends of polyaniline). For efficient photoinduced charge transfer, this upper contact desirably is either transparent or covers only a fraction of the area of the device which is exposed to the sunlight. Otherwise the incident light would be absorbed in the electrode rather than near the heterojunction interface. (Saricifti, col. 6, lines 5-16.)

Applicants believe that a proper interpretation of this disclosure does not result in the conclusion that Saricifti discloses an electrode that is both opaque and made of predominantly organic material. Further, even if such an interpretation were somehow deemed proper, certainly Saricifti does not disclose another electrode that photons strike during use. To the contrary, as would be readily understood by one skilled in the art, it is the electrode referred to in the above-quoted language that photons strike during use. Thus, Saricifti does not disclose the subject

¹ Applicants also cancelled claims 2, 10, 11, 32, 35-37, 41, 42 and 46, so the rejection of these claims should be withdrawn.

matter covered by claims 1, 3, 5-9, 12, 14-31, 33, 34, 38-40 and 43-45. Moreover, after reading Saricifti, one skilled in the art would not have wanted to change Saricifti's cell design to provide the subject matter covered by these claims because it would be contrary to the design provided in the above-quoted portion of Saricifti, which design Saricifti contends provides "efficient photoinduced charge transfer." Thus, while Applicants do not concede that one skilled in the art would have considered Kataoka, Lamotte and/or Forrest in combination with Saricifti, even if these references were somehow combined, the combination would not render obvious the subject matter covered by claims 1, 3, 5-9, 12, 14-31, 33, 34, 38-40 and 43-45. Applicants therefore request reconsideration and withdrawal of this rejection of these claims.

Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 21928-018US1.

Respectfully submitted,

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